IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3766 OF 2006

In

SUMMARY SUIT NO.888 OF 2006

M/s.Innovative Ideals & Service (India) Pvt. Ltd. : Plaintiff

V/s.

M/s.National Food Products (India) Pvt. Ltd. : Defendant

...

Ms Shilpa Kapil for the defendant in support.

None present for the plaintiff to show cause.

...

CORAM : S.A.BOBDE, J.

DATE : FEBRUARY 20, 2007.

P.C.

1. This is a Notice of Motion for setting aside an ex parte decree dated 5.9.2006. On that date, the Summary Suit was decreed against the defendant who had not appeared.

2. The averments in the affidavit-in-support of the Notice of Motion are not controverted. It appears from the affidavit-in-support that on 5.9.2006 the defendant's

Chamber Summons for condonation of delay in filing Vakalatnama, being Chamber Summons no.1176 of 2006, was pending. According to the learned counsel for the defendant, therefore, the defendant's Advocate's name did not appear in the cause list. The Advocate, therefore, did not attend the matter. Having regard to the aforesaid circumstances which are not controverted, I consider it appropriate in the interest of justice to allow the Notice of Motion in terms of prayer clauses (a) and (b). Order accordingly.

S.A. BOBDE, J.